

1-4-11.

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Docket No. 96700/1031

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Confirmation No. 2060

Applicants : William R. Jacobs, Jr., Tsungda Hsu, Stoyan Bardarov,
Vasan Sambandamurthy and Sheldon Morris

Application No. : 10/542,958

Filed : January 30, 2007

For : USE OF MYCOBACTERIAL VACCINES IN CD4⁺ OR CD8⁺
LYMPHOCYTES-DEFICIENT MAMMALS

Art Unit : 1645

Examiner : Rodney P. Swartz, Ph.D.

Customer No. : 1912

**NOTICE OF APPEAL AND PETITION
FOR A THREE MONTH EXTENSION OF TIME**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

"Express Mail" mailing label no. EM 491000953 US	
Date of Deposit: January 3, 2011	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	Joycelyn Giles Fenty
Signature:	<i>Joycelyn Giles Fenty</i>

Applicants hereby appeal the Examiner's final rejection to the claims set forth in the Office Action issued on July 1, 2010 in connection with the above-identified application. A response was originally due on October 1, 2010. Applicants hereby petition for a three month extension of time to file the Notice of Appeal. A check in the amount of \$825 is enclosed to cover the \$555 three month extension of time fee and the \$270 Notice of Appeal fee. Accordingly, the subject application is pending as of January 1, 2011 for purposes of filing the Notice of Appeal. However, since January 1, 2011 fell on a Saturday, a response filed the next business day, namely, January 3, 2011, is considered timely pursuant to 37 C.F.R. 1.7. Accordingly, this Notice of Appeal is being timely filed.

01/04/2011 HBLANCO 00000069 10542958

01 FC:2253
02 FC:2401

555.00 OP
270.00 OP

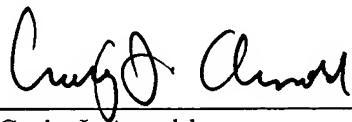
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No fee, other than the \$555 three month extension of time fee and the \$270 Notice of Appeal fee, is deemed necessary in connection with the submission of this Notice of Appeal. If this fee is in any way deficient or if any fee is required to maintain the pendency of the subject application, authorization is hereby given to withdraw the amount of any such fee from Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
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Dated: New York, New York
January 3, 2011

By: 
Craig J. Arnold
Registration No. 34,287